CEM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 FEB 26 AM 9:54

UNITED STATES OF AMERICA,	)	Magistrate Case No.
Plaintiff,	)	'08 MJ 0567
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
Wilfredo Lora-Villela	)	Title 8, U.S.C., Section 1326; Deported Alien Found in the United States
Defendant.	)	

The undersigned complainant, being duly sworn, states:

On or about, **February 18, 2008**, within the Southern District of California, defendant, **Wilfredo Lora-Villela**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Jesus Robles, Deportation Officer,
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **February 2008.**

UNITED STATES MAGISTRATE JUDGE

CE/M

CONTINUATION OF COMPLAINT:
NAME: DIAZ-Delgado, Jose Alfredo

PROBABLE CAUSE STATEMENT

On Monday, February 18, 2008, the defendant, identified as Wilfredo Lora-Villela, was arrested in San Diego, California, by the San Diego Police Department for violation of Penal Code 243(e), "Battery: Spouse/ETC"; and Penal Code 243(a), "Battery on Person", and booked into San Diego County Jail. On Monday, February 18, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico, and present in the United States in violation of immigration law. The agent lodged Form I-247 "Immigration Detainer" pending the defendant's release from State custody. On Monday, February 25, 2008, at approximately 6:00 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer Jesus Robles reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on December 3, 1999, and physically removed to Mexico on December 7, 1999, via the Calexico Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as Wilfredo Lora-Villela, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico; was ordered removed to Mexico; was removed to Mexico; and has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Wilfredo Lora-Villela has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.